

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DEFENDANT'S MOTION FOR A VIEW

Defendant, George L. Medina, moves to have the Court view the premises located at 15 Brook Street, Haverhill, MA. As grounds for this motion, defendant states that the view will demonstrate characteristics, size, and layout of the basement and the apartment where Mr. Medina was arrested.

A critical issue in this case is the proportions and layout of the basement where the police arrested Mr. Medina and recovered the ammunition. Defendant has made a video of the relevant areas but does not believe it accurately depicts the true characteristics of the area. Specifically, the video does not accurately and completely reflect the cramped nature of the basement and the utility room. Moreover, the defendant does not believe the area is capable of being adequately described by testimony.

It is believed that the government will allege that the search was incident to a protective sweep necessitated by a concern for the officers' safety. The majority, if not all, of the evidence at the suppression hearing will concern the layout and size of the basement and utility room at 15 Brook Street, and

the location of the various individuals involved. Only an actual view will put the testimony and other evidence in perspective. Defendant states that a view would enhance the Court's appreciation for the configuration and size of the basement and the utility room, and would inform the Court's decision of the circumstances surrounding the police's search of the basement. Whether to conduct a view is within the Court's discretion. See United States v. Golab, 325 F.3d 63, 67 (1st Cir. 2003); United States v. Smith, 332 F.Supp. 2d 273, 280-81 (D. Mass., 2004).

To the extent that security concerns arise from the fact that defendant is in custody, defendant will waive his presence during the view.

GEORGE L. MEDINA
By his attorney,

/s/ Stylianus Sinnis
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April 17, 2006

CERTIFICATE OF SERVICE

I, Stylianus Sinnis, do hereby certify that this document has been filed electronically and that it will be served electronically to registered ECF participants as identified on the Notice of Electronic Filing (NEF) and by sending paper copies to non-registered participants all on April 17, 2006.

/s/ Stylianus Sinnis

Stylianus Sinnis